

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TOMMY J. NICHOLS,
Petitioner,

No. C 13-4234 WHA (PR)

ORDER OF TRANSFER

v.

WARDEN,

(Dkt. 2)

Respondent.

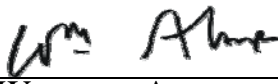
In this habeas case petitioner seeks to challenge a conviction and sentence incurred in the Superior Court of Stanislaus County. Stanislaus County is in the venue of the United States District Court for the Eastern District of California.

Venue for a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. 2241(d); however, petitions challenging a conviction are preferably heard in the district of conviction. Habeas L.R. 2254-3(a); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968). Because petitioner was convicted in Eastern District, this case is **TRANSFERRED** to the United States District Court for the Eastern District of California. See 28 U.S.C. § 1406(a); Habeas L.R. 2254-3(b). Ruling on the request to proceed in forma pauperis will be deferred to the Eastern District.

The clerk shall transfer this matter forthwith.

IT IS SO ORDERED.

Dated: September 24, 2013.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE